

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CRIMINAL NO. 5:05CR210

UNITED STATES OF AMERICA

VS.

TORAINÉ ANTON LEE

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ORDER

THIS MATTER is before the Court on Defendant's motion for reconsideration of the Court's order denying his motion to compel his former counsel to provide to him copies of his entire case file and Defendant's motion for an extension of time in which to file a motion and brief pursuant to 28 U.S.C. § 2255.

As stated in the previous Order, this Court has no authority to order Defendant's former attorney to provide copies of his case file; therefore, the motion for reconsideration is denied.

As for Defendant's motion to extend the time for filing a motion pursuant to § 2255, the one-year filing deadline is statutory in nature and

there is no provision in the statute that gives the district court jurisdiction to extend that deadline. Therefore, the motion is denied.

IT IS, THEREFORE, ORDERED that the Defendant's motion for reconsideration of the Court's order denying his motion to compel is hereby **DENIED.**

IT IS FURTHER ORDERED that the Defendant's motion to extend the time in which to file a motion and brief pursuant to 28 U.S.C. § 2255 is **DENIED.**

Signed: September 2, 2008

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

